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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

WILETTE JOY PARKER,

Defendant.

No. 06-70359 HRL

STIPULATION AND ~~PROPOSED~~
ORDER EXCLUDING TIME

SAN JOSE VENUE

On June 29, 2006, the parties in this case appeared before the Court for an initial appearance on a complaint. At that appearance, Assistant United States Attorney Susan Knight explained that the government needed to provide discovery to Guy Caputo, who represents the defendant, in order to facilitate a pre-indictment resolution. In addition, Mr. Caputo informed the Court that he would be unavailable from mid-July to the beginning of August due to a vacation. Therefore, the parties jointly requested that the arraignment be continued to August 10, 2006 at 9:30 a.m. In addition, the defendant, through her Mr. Caputo, agreed to an exclusion of time under Rule 5 of the Federal Rules of Criminal Procedure and the Speedy Trial Act from June 29, 2006 to August 10, 2006. The parties agree and stipulate that an exclusion of time is appropriate based on the

defendant's need for continuity and effective preparation of counsel.

SO STIPULATED: KEVIN V. RYAN
United States Attorney

DATED: _____ /s/_____
SUSAN KNIGHT
Assistant United States Attorney

DATED: _____ /s/_____
GUY J. CAPUTO
Counsel for Ms. Parker

Accordingly, the Court HEREBY ORDERS that the preliminary hearing or arraignment is continued to August 10, 2006 at 9:30 a.m. Good cause is shown and the continuance is proper under Rule 5 of the Federal Rules of Criminal Procedure and 18 U.S.C. § 3060.

For good cause shown, the Court FURTHER ORDERS that time be excluded under the Speedy Trial Act from June 29, 2006 until August 10, 2006. The Court finds, based on the aforementioned reasons, that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial. The failure to grant the requested continuance would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

SO ORDERED.

DATED: 7/14/06 _____ /s/ Howard R. Lloyd
HOWARD R. LLOYD
United States Magistrate Judge